

# The Gazette of India

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### RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 19th December, 1958:—

BILL No. XI OF 1958

*A Bill to provide for the prevention of hoarding of and profiteering in essential commodities.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1958.

Short title,  
extent, com-  
mencement  
and appli-  
cation.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall, in the first instance, apply to the hoarding of or profiteering in food-grains, medicines, cloth, and such other commodities like tea and sugar, necessary for the daily life of the people. The Central Government may, after giving one month's notice of their intention of so doing, by notification in the Official Gazette extend its application to any other commodity which may or may not be required for the daily life of the people.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "hoarding" means accumulating goods or stocks meant for sale with a view to cornering them, so as to raise their prices

by creating a short supply or by bringing them for sale at prices which are not competitive;

(ii) "profiteering" means charging of a price for a commodity which is in excess of the price usually charged in accordance with normal trade practice in the area concerned;

(iii) "required for the daily life" means required for sustenance.

Penalty for  
hoarding or  
profiteering.

3. Any person found deliberately hoarding any article or commodity required for the daily life of the people, or unreasonably raising the price of the same beyond the then existing sale price with a view to profiteering and cause hardship to the consumers, or stealthily sending away articles or commodities to some other area or areas with a view to create scarcity in any area shall be punished with rigorous imprisonment which may extend to five years and with fine amounting to not less than five hundred rupees and not more than ten thousand rupees.

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## STATEMENT OF OBJECTS AND REASONS

Cases of hoarding of and profiteering in food grains, medical supplies, cloth and several other commodities essential to the daily life of the people have become common, but there being no deterrent punishment for these offences these cases have gone on increasing at the hands of anti-social elements. There is strong feeling in the country that deterrent punishment should be prescribed for these offences. This Bill seeks to make provision accordingly.

SEETA PARMANAND.

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## BILL No. X of 1958

*A Bill to amend the Mines Act, 1952.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short  
title,  
tent  
and  
com-  
mence-  
ment.

1. (1) This Act may be called the Mines (Amendment) Act, 1958.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
section 24.

2. In section 24 of the Mines Act, 1952 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely:—

35 of  
1952.

“(5) The report of the inquiry under this section shall be completed and presented to the Central Government within six months from the date of appointment of the Court of inquiry, and upon such presentation, the report shall be published by the Central Government in such manner as it may think fit.

(6) A copy of every such report shall be laid on the Table of both Houses of Parliament within two months of the submission of the report to the Central Government if Parliament is

then sitting, or if Parliament is not then sitting, within seven days of its reassembly."

3. In section 27 of the principal Act, the words and figures "and shall cause every report submitted by a Court of inquiry under section 24" shall be omitted. Amendment of section 27.

4. Section 34 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:— Amendment of section 34.

"(2) No person shall be allowed to work below ground in a mine unless he has undergone a course of special instruction pertaining to underground mining conditions in the manner prescribed.

(3) In the first six months of his service no person shall be employed as a coal-cutter or a tub-loader or a dresser except in company with a senior worker of one year's experience."

5. In section 35 of the principal Act, in sub-section (1), after the words "outside the office of the mine a notice" the words "in the language or languages understood by the majority of the workers" shall be inserted. Amendment of section 35.

6. In section 46 of the principal Act, after the proviso, the following further proviso shall be added, namely:— Amendment of section 46.

"Provided further that women may be employed above ground after 7 P.M. if they are employed in groups of two or more and their written consent for such employment is obtained."

7. In section 51 of the principal Act, in sub-section (2), the Explanation shall be renumbered as Explanation II, and before the explanation as so renumbered the following Explanation shall be inserted, namely:— Amendment of section 51.

*Explanation I.*—The period of leave for seven days in the case of weekly paid workers, and of fourteen days in the case of monthly paid workers shall be added to his full attendances for duty for the purpose of making the total of 265 days of attendance so as to enable him to earn the leave again in the following year."

Amend-  
ment of  
section 78.

8. In section 78 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) On the receipt of the report of the Court of inquiry holding the manager, or the surveyor or any other person guilty of negligence in an accident involving loss of life or permanent injury to any worker incapacitating him for life, the Central Government shall forthwith cancel the certificate of competency of the person or persons concerned without prejudice to right of appeal of such person or persons to a competent court.”.

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## STATEMENT OF OBJECTS AND REASONS

If the enquiry in mining accidents has to serve any useful purpose it is necessary to fix a reasonable time limit for the submission of the report.

2. The practice of sending workers underground in the mines without any training and without the guidance of an experienced worker results in injuries in many cases. The recent conference in Calcutta on safety in mines has focussed attention on this. In other countries all underground workers are given a short course on the appropriate mining operations; the workers to be employed are also given a general idea of underground mining conditions. This system should also be introduced in India.

3. Notice regarding hours of work in mines should be in the language or languages of the majority of the workers. Such notices at present are usually in English which is not understood by the workers.

4. Now that women's wages are on a par with those of men workers and the attitude towards women workers is changed, the insistence on the observance of certain hours in respect of women may result in the dismissal of women workers. This will result in great hardship to them.

5. If the period recommended in clause 7 of the Bill is not taken into account for the purpose of determining the worker's right to earn similar leave in the following year, it is feared he will never get such leave if he has already taken such leave and all other leave due to him. It is, therefore, necessary to include this leave for the purpose of completing his attendance of 265 days.

6. The inordinate delay in punishing the persons held guilty by a Court of inquiry leads to travesty of justice. The only deterrent punishment would be for Government to take powers to cancel the certificate of competency on the receipt of the decision of the Court of inquiry holding a person guilty.

SEETA PARMANAND.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides that no person shall be allowed to work belowground in a mine unless he has undergone a course of special instruction pertaining to underground mining conditions in the manner prescribed. The delegation of legislative power is a routine one and is covered by clause (zz) of section 57 of the Mines Act, 1952

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## BILL No. XIII OF 1958

*A Bill further to amend the Code of Criminal Procedure, 1898.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1958. Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

f 1898. 2. In section 167 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act),— Amendment  
of section  
167.

(i) in sub-section (2), for the words “to try”, in both the places where they occur, the words “to enquire into or try” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) If the investigation is not completed within fifteen days, the Magistrate shall discharge the accused or release him from custody on his being admitted to bail, except when it is a case for trial by a court of sessions, in which case the accused may be remanded to custody for a total period of

one month; but a Magistrate authorizing further detention under this section shall record his reasons for so extending the period.

*Explanation.*—In this section, the word “accused” includes a person accused of committing a wrongful act punishable under any law for the time being in force, as well as persons arrested under any of the provisions of Part IV of this Code.”.

Amendment  
of section  
195.

3. In section 195 of the principal Act, in clause (a) of sub-section (1), for the words and figures “sections 172 to 188” the words and figures “sections 172 to 185, section 187 and section 188” shall be substituted.

Amendment  
of section  
251 A.

4. In section 251A of the principal Act,—

(i) in sub-section (6), for the words “examination of witnesses” the words “examination of prosecution witnesses” shall be substituted.

(ii) after sub-section (6), the following sub-section shall be inserted, namely:—

“(6A) The Magistrate shall ascertain from the prosecution or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence in the case, and shall summon such of them as he thinks necessary to give evidence before him.”.

Amendment  
of Schedule  
II.

5. In Schedule II to the principal Act,—

(i) against section 188, in column 3, for the words “shall not arrest without warrant” the words “may arrest without warrant” shall be substituted;

(ii) against section 189, in column 3, for the word “Ditto” the words “shall not arrest without warrant” shall be substituted

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STATEMENT OF OBJECTS AND REASONS

This Bill seeks to fill in certain lacunae in the existing provisions of the Code of Criminal Procedure, 1898, with a view to ensure speedy disposal of justice.

SEETA PARMANAND

S. N. MUKERJEE,  
*Secretary.*

